

Serial No. 09/526,037

Docket No.: KCC-14,899

**REMARKS**

Applicants' undersigned attorney thanks the Examiner for his comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-39 are pending, with Claims 2-7, 9, 17-22, and 27-39 withdrawn from consideration.

**Amendments to the Claims**

Claims 1, 8, 10-16, and 23-26 have been examined, and Claims 1, 8, and 10-14 have been indicated as being allowed. Claims 23-26 have been indicated as objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended Claim 15 to include the limitations of Claim 23. Thus, amended Claim 15 is essentially the same as Claim 23 in independent form. Applicants respectfully request the cancellation of Claim 23. Claim 24 has been amended to depend from Claim 15 since an antecedent basis for Claim 24 is now present in amended Claim 15. Applicants respectfully request the cancellation of non-elected Claims 27-39.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims has been reduced and the total number of claims has also been reduced.

**Information Disclosure Statements**

The Examiner has acknowledged receipt of the First and Second Information Disclosure Statements filed 15 March 2000 and 15 August 2001, respectively, and has provided Applicants with a copy of the corresponding Forms PTO-1449 with his initials next to each reference indicating consideration of the cited references.

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Applicants filed a Third Information Disclosure Statement on 22 September 2003. Applicants respectfully request the Examiner's acknowledgment of consideration of the reference cited in the Third Information Disclosure Statement.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Smithe et al. (U.S. Patent No. 5,480,085, hereinafter "Smithe") is respectfully traversed.

Applicants have amended Claim 15 to include the limitations of Claim 23. The Examiner has indicated that Claim 23 would be allowable if rewritten in independent form. Since amended Claim 15 is essentially the same as Claim 23 in independent form, Applicants believe that amended Claim 15 and all claims depending therefrom are now in condition for allowance.

Furthermore, Applicants maintain that Smithe fails to disclose or suggest a process for cutting an elastic material, as required in Applicants' Claims 15 and 16. Instead, Smithe is directed to a method for cutting envelope blanks, which are typically constructed of non-elastic materials. Tension in elastic materials is much more variable than in non-elastic materials. Feed roll speed changes in Smithe are not dependent on the tension of the material or the material properties of the material. Instead, tension in Smithe is adjusted to prevent slack or excessive tension in the envelope web during the process. Thus, there is no suggestion or motivation to use the method of Smithe to cut elastic materials. Furthermore, there is no suggestion or motivation in Smithe to maintain the web tension at a minimum immediately preceding the feed roll, particularly since any slack in the web of non-elastic envelope material would be detrimental immediately preceding the feed roll.

Applicants further maintain that Smithe fails to disclose or suggest the steps of measuring an actual length of the piece of material and comparing the actual length to a target length in the Smithe reference, and that despite any customary synchronization practices performed for quality control purposes, there is still no suggestion or motivation to include such steps in the Smithe reference in such a manner that Applicants' claimed method is achieved because the synchronization

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procedures suggested by the Examiner are performed separately from manufacturing processes.

For at least the reasons given above, Applicants respectfully submit that Smithe fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Allowable Subject Matter**

The Examiner has indicated that Claims 1, 8, and 10-14 are allowable, and that Claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since the limitations of Claim 23 have been incorporated into Claim 15, amended Claim 15 is essentially the same as the independent form of Claim 23. For at least this reason, Applicants believe that Claim 15 and all claims depending therefrom are allowable.

#### **Rejoinder**

As indicated by the Examiner, claims that depend from an allowable independent claim will be rejoined at the time of allowance of the application. In view of the above Amendment, Applicants respectfully request rejoinder of Claims 2-7, 9, and 17-22.

#### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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